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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/507,542	03/09/2005	Bernd Wilms	I07.12-0091	8434
27367 7590 06/06/2007 WESTMAN CHAMPLIN & KELLY, P.A. SUITE 1400 900 SECOND AVENUE SOUTH MINNEAPOLIS, MN 55402-3319			EXAMINER HERNANDEZ, MICHAEL	
			ART UNIT 3612	PAPER NUMBER
			MAIL DATE 06/06/2007	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/507,542	<b>Applicant(s)</b> WILMS ET AL.	
	<b>Examiner</b> Mike Hernandez	<b>Art Unit</b> 3612	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 16 April 2007.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) 1-13 and 17 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 14-16 and 18-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Election/Restrictions***

1. In response to the remarks filed 4/16/2007 applicant correctly notes that the elected species should have been Fig. 6-18 instead of Fig. 6-8. Additionally, applicant notes that claims 1 and 17 should be reconsidered for examination due to the specification noting that moveable panels 8-10' are disclosed as possibly being pivotable in the same manner as that of species of Fig. 1-5. The species of Fig. 1-5 are classified in the subclass 107.01+ 'Let-down type top' whereas the species of Fig. 6-18 are classified under the subclass 210+ 'Roof structure' as being considered a sunroof type. Furthermore, Page 5, Line 8 states, "In the embodiment shown [Fig 6-18], the panel 11 is fixed to the remainder of the roof (it is part thereof) and thus cannot be moved away." Page 5, Line 17 states, "The fixed panel 11 is attached to the cross beam and forms the upper part of a cassette..." This most certainly does imply that the cross beam is fixed. It is believed that the applicant intended the cross beam to be 1.3 inches to the *right* of reference character 4 of Fig 8, although it is not labeled in any figures as such. For the above reasons, claim 1 does not fall within the scope of the elected species, nor does claim 17 as being dependent upon claim 1.

### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. **Claims 14, 15, 16, 18, 19, and 20 are rejected** under 35 U.S.C. 103(a) as being unpatentable over US Pat No 5,421,635 to Reinsch et al. in view of US Pat No 6,890,022 to Doncov et al.

Regarding claims 14 and 18, Reinsch et al. discloses a vehicle having a body including at least a fixed roof 11 (it is well known for vehicles to have a trunk), and having a roof assembly for opening an opening 13 in said roof, comprising a plurality of closure elements 10a-d, said closure elements are at least movable between a closed position for closing the roof opening, and an open, rearwardly displaced position substantially below the fixed roof (Fig 5), wherein the roof assembly further comprises at least one common longitudinal guide track 18 extending at least along the roof opening, said closure elements being guided by said longitudinal guide track by means of slide shoes 22,24, said guide track including storage tracks (the non-linear track parts of Fig 5) opening into the guide track from below in order to accommodate the slides of the closure elements so as to stack the closure elements one above the other in their open position below the fixed roof.

Reinsch et al. fails to disclose side sections in sliding engagement.

Doncov et al. teaches (Col 6 Ln 1-18) a vehicle roof assembly wherein the closure elements 23,25 have side sections 273,503, the side sections of two adjacent closure elements being in sliding engagement with each other when these adjacent closure elements are in a stacked position.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the device described by Reinsch et al. with slidably

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engaged side sections, as taught by Doncov et al., in order to reduce costs through a single drive unit.

As to claims 15 and 19, Reinsch et al. discloses (Col 7 Ln 54-59) the closure elements have a front 22 and rear 24 slide shoes, a front portion of the longitudinal guide track 18 extending at a higher level than a rear portion thereof, the rear portion of the longitudinal guide track having an upper side branch 44 to accommodate the rear slide shoe of the rear closure in the closed position of the roof assembly, while all other slide shoes are in the higher front portion of the guide track, the front and rear slide shoes being differently shaped (Fig 6) in order to cooperate with parts of the guide track to create a different paths for the rear and front slide shoes in the guide track. Although slide shoes 22,24 of Reinsch et al. run on different portions, they share the same guide track 18.

As to claims 16 and 20, Reinsch et al. discloses (Col 6 Ln 11-16) one front closure element is operatively connected to a drive and wherein the closure elements are connected to each other through disconnectable connecting members 33, which are constructed such that they disconnect the closure elements before they are stacked in the open position, and they connect the closure elements again when they are returned to the closed position, wherein the connecting members are adapted such that they only act when there is exerted a pulling force on the closure elements, while the closure elements are provided with separate pushing surfaces acting to push a preceding closure element when a pushing force is exerted on the closure element.

***Conclusion***

4. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mike Hernandez whose telephone number is 571-272-2354. The examiner can normally be reached on Monday through Friday from 8:30 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenn Dayoan can be reached on 571-272-6659. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.


Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for

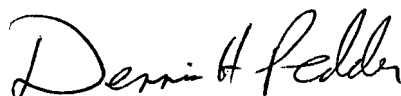
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published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

  
MJH  
5/30/07

  
DENNIS H. PEDDER  
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